IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF APPEALS

Applicant(s):	Manasseh, et al.
Serial No.:	10/506,787
For:	Method and Apparatus for Internal and External Monitoring of Transportation Vehicle
Filed:	June 15, 2005
Examiner:	Farhad Ali
Art Unit:	2446
Confirmation No.:	4505
Customer No.:	27,623
Attorney Docket:	4257/058 or 0004801USU/2279

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheet(s).

Respectfully submitted,

February 9, 2010
Date

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Office Action dated November 9, 2009, Appellants respectfully file herewith a Notice of Appeal and request review of the present application before filing an appeal brief.

Status of the Claims:

Claims 1-9, 11-13, 15, 17-28, 30-34, 36-40 and 47-50 are finally rejected and are the subject of this request for review.

Independent claims 1, and dependent claims 2-9, 11-13, 15, 17-19, and independent claim 20 and dependent claims 21-28, 30-34, 36-40 and 47-50 that depend therefrom are rejected under 35 U.S.C. §102(e) over US6,559,769 to Anthony ("Anthony").

1. Clear Error for Review: Anthony fails to disclose that communication between the command and control center and the remote command and control center is captured.

The disclosed application teaches capturing streams depicting activities associated with the event, including communication between a command and control center (such as a nearby vehicle) and a remote command and control center (such as a headquarters).

Anthony at col. 21 lines 31-57 teaches recoding only the nearby vehicles: "*Obviously, by sustaining a continuous stream of real-time communications between these vehicles in the field, the control center of the present invention may assure that all necessary law enforcement or medical preparations are being made...*". Thus communication between the command and control center and the remote command and control center is not captured by Anthony, thus not allowing for full reconstruction of the events.

Accordingly, Anthony fails to disclose or suggest capturing the communication between a command and control center and the remote command and control center, as required by claims 1 and 20.

2. Clear Error for Review: Anthony fails to disclose capturing audio, video and data that depict activities associated with the event:

The disclosed application teaches capturing audio, video, and data information depicting activities associated with the event.

Anthony relates only to capturing video streams from within the scene. Video streams may be understood as also carrying audio. However, current claim 1 requires also the capturing of data streams. The data streams carry objective technical data, as detailed for example at par. 29 of the application as published: "A data capture device 36 could be linked to the control systems and the sensors of the aircraft to collect navigational data, altitude or spatial-related data, speed data, engine

and fuel information, environmental data (both internal and external), auxiliary systems and the like.".

Applicants would like to mention that although at col. 15 lines 56-65 Anthony mentions data, it is clear that Anthony refers to the video streams ("*Preferably, all incoming data streams...Such techniques as the application of persistent storage have been found to promote sustaining the integrity of collected video streams...*") and not to any other type of data which is additional to the video streams.

Accordingly, Anthony fails to disclose or suggest the recordation of data other than video streams, as required by claims 1 and 20. Even further, Anthony, being intended for private usage in homes or private vehicles, is not likely to suggest the capturing of additional sources.

3. Clear Error for Review: Anthony fails to disclose capturing streams of different types:

The disclosed application teaches capturing audio, video and data information depicting activities associated with the event. Anthony relates only to capturing video streams from within the scene. Although video capturing may includes audio, it still constitutes a single type of signal. Combining multiple types of recorded signals presents technical challenges, such as handing compatibility issues, which are beyond the challenges presented by capturing and transmitting a single stream type.

Accordingly, Anthony fails to disclose or suggest the recordation of different types of information, as required by claims 1 and 20.

4. Clear Error for Review: The prior art does not teach capturing streams from remote geographic locations, including the vehicle and a command and control center:

The disclosed application relates to capturing streams from a transportation vehicle as well as from a command and control center, which is located remotely from the vehicle.

Anthony relates to monitoring a facility or a vehicle, and not to capturing activities at a remote geographic location, and in particular at an associated command and control center.

This distinction between capturing only the vehicle or facility, and capturing the command and control center stems from the purpose of the inventions: since Anthony is aimed at monitoring a vehicle or facility, only whatever happens on the scene is of value. The current application, however, is also aimed at post-investigation of the event including the performance of the command and control personnel, and thus teaches also capturing information transmitted from the command and control center. Only the capturing of information at the vehicle and at the command and control center enables the full investigation of the event, to evaluate the behavior of the crew on board of the vehicle, as well as the handling of the emergency services handling the event remotely.

Accordingly, Anthony fails to disclose or suggest capturing streams depicting activities at remote geographic locations, including the vehicle and a command and control center, as required by claims 1 and 20.

5. Clear Error for Review: Anthony fails to disclose synchronizing streams from multiple sources.

Anthony does not teach synchronizing streams from multiple sources. On page 3 of the Office Action the Examiner asserts that on Col. 5 lines 24-41 Anthony teaches a plurality of cameras providing real-time and synchronized data streams. Applicants respectfully disagree. Anthony does not teach any synchronization between the cameras, and does not present a need for such synchronization. As long as the captured streams are monitored in real-time, synchronization is not required. Once the streams are stored, synchronization cannot be maintained without specifically implementing it.

Further, synchronization is more complex where streams of different types are involved, which, as described above, is not taught by Anthony.

Given the different types of captured data, synchronization must be performed in order to investigate the associated event and examine it, as the event unfolds second-by-second, including the on-site occurrences, as well as the performance of the command and control center and the personnel thereof, which are remote from the site.

Accordingly, Anthony fails to disclose or suggest synchronizing streams captured from multiple sources, as required by independent claims 1 and 20.

6. Clear Error for Review: The prior art does not teach that at least one of the at least two streams is synchronizing with radio transmissions made by a person on the vehicle.

Present claims 11 and 30 require that one of the streams is synchronized with radio transmission or communication made by a person on the vehicle. Present claim 33 requires that one of the at least two capture devices is a radio receiver capturing transmission or communication made by a person on the vehicle. On page 7 of the Office Action the examiner asserts that Anthony at col. 21 lines 25-27 teaches using GPRS. Applicants respectfully disagree. Anthony teaches the usage of GPRS as a means for transferring the captured signal: "*audio visual signals may be manually up linked by a stranded user to a satellite or GPRS or the like*".

A radio communication network is a common means for personnel on the vehicle to communicate with emergency services. Therefore, in order to fully investigate an event in which a vehicle is involved, including the performance of the personnel on board as well as the control personnel, it is important to capture the data received and transmitted by the personnel through this channel, and to synchronize the audio and video data with this data.

In Anthony, audio exchanged through the radio communication between the crew on board and the crew on a command and control center would not be recorded, unless recording equipment is located nearby. Even then, the recording would not be of good quality as the recording equipment is external to the radio communication system.

Thus, in the current application, the radio communication provides the actual data exchanged with a person on the vehicle, and not just a means of transferring video or audio data that happened to be captured by recording equipment.

Accordingly, Anthony fails to disclose or suggest the capturing and synchronizing with radio transmissions made by a person on the vehicle, as required by claims 11, 30 and 33.

In view of the above, it is respectfully submitted that the final rejection is clearly erroneous and, as such, the present application is in condition for allowance.

Reconsideration and withdrawal of the rejection to the claims and passage of the present application to issuance are respectfully requested. Such action is solicited.

Respectfully submitted,

February 9, 2010
Date

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IN THE CLAIMS

The following listing of the claims replaces all prior versions:

1. (Currently Amended) An apparatus for the recording, playback and investigation of an event associated with a transportation vehicle, from at least two synchronized streams carrying audio and video and data information associated with the transportation vehicle, the transportation vehicle being in communication with a command and control center, the apparatus comprising:

at least two capture devices for capturing the at least two streams carrying audio and video and data information depicting activities associated with the event;

at least one recording device for recording the at least two streams depicting the activities associated with the transportation vehicle in synchronization;

at least one communication device for communicating at least one of the at least two recorded streams to a monitoring station;

an investigative tool for debriefing the event at a later stage~~, and~~;

a command and control center interface for establishing a link between the command and control center and a remote command and control center; and

a multi-channel multimedia recording application that receives and records data information from the at least two capture devices capturing activities in or near the transportation vehicle, and information transmitted from the remote command and control center,

wherein ~~the~~ communication between the command and control center and the remote command and control center is captured at the command and control center ~~is located remotely from the transportation vehicle~~, and

wherein the multi-channel multimedia recording application records the data indexed and formatted into a database.

2. (Previously Presented) The apparatus of claim 1 further comprising at least one alarm activator device for activating at least one of the at least two capture devices.

3. (Previously Presented) The apparatus of claim 1 wherein the database device stores the at least two streams.
4. (Previously Presented) The apparatus of claim 1 further comprising an at least one analysis device for automatically analyzing an at least one of the at least two streams.
5. (Original) The apparatus of claim 1 further comprising a disabler device for disabling the control of the transportation vehicle.
6. (Original) The apparatus of claim 1 further comprising a disabler device for controlling the transportation vehicle from a location external to the transportation vehicle.
7. (Previously Presented) The apparatus of claim 1 further comprising a control device for controlling at least one of the at least two capture devices or the at least one recording device or the at least one communication device.
8. (Previously Presented) The apparatus of claim 1 further comprising a monitoring device for monitoring events captured by at least one of the at least two capture device.
9. (Previously Presented) The apparatus of claim 1 further comprising a retrieval device for retrieving a part or whole of at least one of the at least two streams captured by at least one of the at least two capture devices associated with the transportation vehicle.
10. (Cancelled).
11. (Currently Amended) The apparatus of claim 1 wherein at least one of the at least two streams is synchronized with a radio ~~signal~~ transmission or communication made by a person on the vehicle.
12. (Previously Presented) The apparatus of claim 1 wherein at least one of the at least two capture devices is a video camera.
13. (Previously Presented) The apparatus of claim 1 wherein at least one of the at least two capture devices is a microphone.
14. (Cancelled).
15. (Previously Presented) The apparatus of claim 1 wherein the at least one recording device is located within the transportation vehicle.
16. (Cancelled)
17. (Original) The apparatus of claim 4 wherein the at least one analysis device is located within the transportation vehicle.

18. (Original) The apparatus of claim 4 wherein the at least one analysis device is located external to the transportation vehicle in a command and control center or a crisis-management facility.

19. (Original) The apparatus of claim 1 wherein the at least one communication device transmits a transmission to be later redistributed.

20. (Previously Presented) A method for the recording, playback, and investigation of an event associated with a transportation vehicle, from at least two synchronized streams carrying audio and video and data information associated with the transportation vehicle, the transportation vehicle being in communication with a command and control center, the method comprising the steps of:

establishing a link between the command and control center and a remote command and control center;

receiving the at least two streams carrying audio and video and data information, depicting activities associated with the event, from at least two capture devices;

recording in synchronization the at least two streams depicting the activities in or near the transportation vehicle and data information transmitted from the remote command and control center, by at least one recording device and a multi-channel multimedia recording application;

communicating at least one of the at least two recorded streams to a monitoring station by a communication device, and

debriefing the event at a later stage,

wherein ~~the~~ communication between the command and control center and the remote command and control center is captured at the command and control center ~~is located remotely from the transportation vehicle~~,

and wherein the multi-channel multimedia recording application records the data indexed and formatted into a database.

21. (Previously Presented) The method of claim 20 further comprising the step of activating at least one of the at least two capture devices by at least one alarm activator device.

22. (Previously Presented) The method of claim 20 further comprising the step of storing the at least two streams in an at least one database device.
23. (Previously Presented) The method of claim 20 further comprising the step of analyzing at least one of the at least two streams.
24. (Original) The method of claim 20 further comprising the step of disabling the control of the transportation vehicle.
25. (Original) The method of claim 20 further comprising the step of controlling the transportation vehicle from a location external to the transportation vehicle.
26. (Previously Presented) The method of claim 20 further comprising the step a control device for controlling at least one of the at least two capture device or the at least one recording device or the at least one communication device.
27. (Previously Presented) The method of claim 20 further comprising the step of monitoring events captured by at least one of the at least two capture devices.
28. (Previously Presented) The method of claim 20 further comprising the step of retrieving a part or whole of at least one of the at least two streams captured by at least one of the at least two capture devices associated with the transportation vehicle.
29. (Cancelled).
30. (Previously Presented) The method of claim 20 wherein at least one of the at least two streams is synchronized with a radio signal.
31. (Previously Presented) The method of claim 20 wherein at least one of the at least two capture devices is a video camera.
32. (Previously Presented) The method of claim 20 wherein at least one of the at least two capture devices is a microphone.
33. (Currently Amended) The method of claim 20 wherein at least one of the at least two capture devices is a radio receiver capturing transmission or communication made by a person on the vehicle.
34. (Previously Presented) The method of claim 20 wherein the at least one recording device is located within the transportation vehicle.
35. (Cancelled)

36. (Previously Presented) The method of claim 23 wherein the analysis is performed within the transportation vehicle.
37. (Previously Presented) The method of claim 23 wherein the analysis is performed external to the transportation vehicle in a command and control center or a crisis-management facility.
38. (Original) The method of claim 20 wherein the at least one communication device transmits a transmission to be later redistributed.
39. (Previously Presented) The apparatus of claim 4 wherein the analysis device initiates recording if the transportation vehicle does not follow a prearranged course.
40. (Previously Presented) The method of claim 23 wherein the analysis step initiates recording if the transportation vehicle does not follow a prearranged course
41. (Cancelled)
42. (Cancelled)
43. (Cancelled)
44. (Cancelled)
45. (Cancelled)
46. (Cancelled)
47. (Currently Amended) The apparatus of claim ~~46~~ 1 wherein the command and control center, and the emergency center or the second command and control center, receive information from the transportation vehicle.
48. (Previously Presented) The apparatus of claim 1 wherein the audio communication transmitted by the radio receiver is audio communication related to the event and exchanged by an emergency service.
49. (Previously Presented) The method of claim 20 wherein the audio communication transmitted by the radio receiver is audio communication related to the event and exchanged by an emergency service.
50. (Previously Presented) The apparatus according to claim 1, wherein at least one of the at least two capture devices captures audio communication transmitted by a radio receiver.